

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CIV 10-1184 MCA/ACT

Undetermined Quantities of Articles of Food, Consisting of Chili Pods, Ground Chili, and Crushed Chili, Including In-process and Finished Products, of Any Lot Number, Packaged or Unpackaged, in Any Size or Type of Container, Labeled or Un-labeled, that are Determined by Their Labeling or Otherwise To Consist in Whole or in Part of Ingredients That Have Originated From Outside The State of New Mexico, and That Are Located Anywhere in the Food Warehouse of Duran and Sons, L.L.C., Highway 187, Derry, New Mexico, or Elsewhere Within the Jurisdiction of This Court,

Defendants.

MOTION FOR RELEASE OF SURETY BOND

COMES NOW, Plaintiff, the United States of America, by and through Kenneth J. Gonzales, United States Attorney for the District of New Mexico, and Raymond Hamilton, Assistant U.S. Attorney, and hereby state that the undersigned has been advised by United States Food and Drug Administration ("FDA") representatives that all conditions of the Consent Decree of Condemnation and Destruction ("Consent Decree") entered in this case on January 31, 2011, (Doc. No. 14), have been performed. Specifically, both Lots of the seized articles have been destroyed, and costs as

determined by the FDA, the United States Marshals Service, or the United States Attorney's Office shall be paid by claimant within ten (10) calendar days of receiving a final invoice from these entities. As a result, the United States respectfully requests, pursuant to Paragraph 15 of the Consent Decree, that the Bond given in this proceeding be released and returned to the Claimant.

Respectfully submitted,

KENNETH J. GONZALES
United States Attorney

Filed electronically 02-18-11
/s/ Raymond Hamilton
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 18, 2011, I filed the foregoing pleading electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic filing:

Stephen Hubert, Esq.
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/s/ Raymond Hamilton
Assistant U.S. Attorney